

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SIEMENS INDUSTRY, INC.,

Plaintiff,

v.

1:10-cv-2478-WSD

SIPCO, LLC,

Defendant.

ORDER

This matter is before the Court to set a trial date. In the Pretrial Order [166] filed by the parties on November 6, 2013, the parties differ on what is required to be tried in this matter. Footnote 2 states: “SIPCO requests a bench trial on the first phase of this litigation, but reserves its right to a jury trial for the second phase of this litigation.” Pretrial Order, fn. 2. Footnote 3 states: “Siemens requests a bench trial on the only triable issues following the Court’s grant of summary judgment, *i.e.*, the extent of the remedy.” *Id.*, fn. 3. Siemens disputes that any “second phase of this litigation” remains. *Id.*

This dispute must be resolved before the Court determines the form and scope of the trial. To accomplish this, the parties are required to provide to the

Court their explanation and authority for the positions they set out in footnotes 2 and 3. Accordingly, the parties are required to submit their legal memoranda addressing the following issues:

1. What are the issues to be tried in this matter? If SIPCO contends there are issues on liability that survived the Court's October 26, 2012, Order granting summary judgment, state the basis, including legal authority, for the trial on any issue of liability. If Siemens contends there are no liability issues, it needs to state its basis for this opinion.

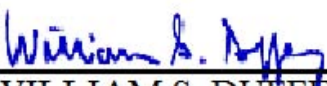
2. What damage issues are required to be tried, and, if damages constitute all or part of the issues to be resolved in this action, state why should the Court, rather than a jury, should decide damages, if any, to be awarded?

3. The law firm of King & Spalding made an appearance in this case on August 29, 2013. What role will King & Spalding have in the preparation for trial and the trial of this case, and, specifically, will they be present at and take part in the trial of this action?¹

The memoranda required by this Order shall be filed by each party on or before November 22, 2013. A response, if any, may be filed on or before December 4, 2013. No replies are allowed to be submitted.

¹ The trial of this matter is tentatively set for February 10, 2014.

SO ORDERED this 8th day of November, 2013.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE